

Joseph F. Jennings (State Bar No. 145,920)
joe.jennings@knobbe.com
KNOBBE, MARTENS, OLSON & BEAR, LLP
2040 Main Street, Fourteenth Floor
Irvine, CA 92614
Phone: (949) 760-0404
Facsimile: (949) 760-9502

Attorney for Plaintiff
KFx Medical Corporation

Robert W. Dickerson
DickersonR@dicksteinshapiro.com
DICKSTEIN SHAPIRO LLP
2049 Century Park East, Suite 700
Los Angeles, CA 90067
T: 310-772-8300

Attorney for Defendant/Counterclaimant
ARTHREX, INC.

[See next page for complete list of counsel]

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

<u>KFX MEDICAL CORPORATION, a</u>)	Case no. 11cv1698 DMS (BLM)
Delaware corporation,)	
)	JOINT STIPULATION TO
Plaintiff and Counterdefendant,)	NARROW ISSUES FOR TRIAL
)	
v.)	
)	Trial Date: August 21, 2013
ARTHREX, INCORPORATED, a)	Time: 9:00 A.M.
Delaware corporation,)	Courtroom 13A
)	Honorable Dana M. Sabraw
<u>Defendant and Counterclaimant.</u>)	

1 Brian Horne (State Bar No. 205,621)
2 brian.horne@knobbe.com
3 Sean M. Murray (State Bar No. 213,655)
4 sean.murray@knobbe.com
5 Sarah Lampton (State Bar No. 282,404)
6 sarah.lampton@knobbe.com
7 Marissa Calcagno (State Bar No. 279,783)
8 marissa.calcagno@knobbe.com
9 KNOBBE, MARTENS, OLSON & BEAR, LLP
10 2040 Main Street
11 Fourteenth Floor
12 Irvine, CA 92614
13 Phone: (949) 760-0404
14 Facsimile: (949) 760-9502

15 Attorneys for Plaintiff
16 KFx Medical Corporation

17 Lawrence La Porte
18 LaporteL@dicksteinshapiro.com
19 DICKSTEIN SHAPIRO LLP
20 2049 Century Park East, Suite 700
21 Los Angeles, CA 90067
22 T: 310-772-8300

23 Charles W. Saber, admitted *pro hac vice*
24 SaberC@dicksteinshapiro.com
25 Salvatore P. Tamburo, admitted *pro hac vice*
26 TamburoS@dicksteinshapiro.com
27 Megan S. Woodworth, admitted *pro hac vice*
28 WoodworthM@dicksteinshapiro.com
S. Gregory Herrman, admitted *pro hac vice*
HerrmanG@dicksteinshapiro.com
DICKSTEIN SHAPIRO LLP
1825 Eye Street NW
Washington, DC 20006
Phone: (202) 420-2200

Attorneys for Defendant/Counterclaimant
ARTHREX, INC.

1 Plaintiff KFx Medical Corporation ("KFx") and Defendant Arthrex, Inc.
2 ("Arthrex"), hereby agree to the following stipulation to narrow issues for trial:

3 KFx asserted a doctrine of equivalents argument as to the "hollow
4 cylinder" limitation of claim 1 of the '969 patent. To simplify the case,
5 however, the parties reached the following agreement. KFx will not present the
6 doctrine of equivalents argument and Arthrex will not contest that the "hollow
7 cylinder" limitation is met by the accused procedures. In other words, Arthrex
8 will not challenge that the limitation is met but KFx will not tell the jury that
9 Arthrex has conceded it.

10
11 Respectfully submitted,

12
13 KNOBBE, MARTENS, OLSON & BEAR, LLP

14
15 Dated: 8/21/13

16 By: s/ [Signature]
17 Joseph F. Jennings
18 Brian Horne
19 Sarah Lampton

20 Attorneys for Plaintiff and Counterdefendant
21 KFx Medical Corporation

22 DICKSTEIN SHAPIRO LLP

23
24 Dated: 8/21/13

25 By: s/ [Signature]
26 Michael A. Tomasulo
27 Charles Saber
28 Salvatore Tamburo
Megan S. Woodworth

Attorneys for Defendant and Counterclaimant
Arthrex, Incorporated

PROOF OF SERVICE

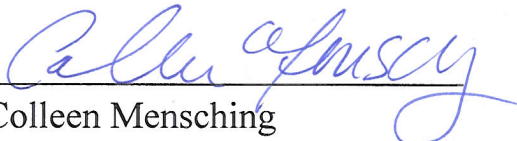
I hereby certify that on August 21, 2013, I caused the **JOINT STIPULATION TO NARROW ISSUES FOR TRIAL** to be electronically filed with the Clerk of the Court using the CM/ECF system which will send electronic notification of such filing to the following person(s):

Robert W. Dickerson
dickersonr@dicksteinshapiro.com
Lawrence La Porte
laportel@dicksteinshapiro.com
DICKSTEIN SHAPIRO LLP
2049 Century Park East, Suite 700
Los Angeles, CA 90067
T: 310-772-8300

Charles W. Saber
saberc@dicksteinshapiro.com
Salvatore P. Tamburo
tamburos@dicksteinshapiro.com
Megan S. Woodworth
woodworthm@dicksteinshapiro.com
S. Gregory Herrman
herrmang@dicksteinshapiro.com
DICKSTEIN SHAPIRO LLP
1825 Eye Street Northwest
Washington, DC 20006
T: 202-420-2200

I certify and declare under penalty of perjury under the laws of the State of California that I am employed in the office of a member of the bar of this Court at whose direction the service was made, and that the forgoing is true and correct.

Executed on August 21, 2013, at San Diego, California.


Colleen Mensching

KFXL.064L
16041642
081813